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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/811,971	03/19/2001	Arvind D. Gidwani	CIS00-3846	9268

7590 01/31/2006
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EXAMINER

FADOK, MARK A

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 01/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/811,971	GIDWANI ET AL.	
	Examiner	Art Unit	
	Mark Fadok	3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,5-7,9,11-15 and 23-30 is/are pending in the application.
- 4a) Of the above claim(s) 1,5-7,9 and 11-15 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 23-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

The examiner is in receipt of applicant's response to office action mailed 8/9/2005, which was received 11/14/2005. Acknowledgement is made to the election of Group III including claims 23-30, without traverse. The examiner has carefully considered applicant's amendment and arguments filed 2/24/2005, 3/21/2005 and 6/16/2005 and finds them to be persuasive in overcoming the previous rejection mailed 10/20/2004. However, after further search and consideration the following new grounds of rejection follows:

Claim Rejections - 35 USC §101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requires of this title.

Claims 23-30 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 23-30 are rejected because these claims recite functional descriptive material, which is not tangibly embodied on a medium and is therefore deemed to be non-statutory subject matter as per MPEP 2106.

Claim 24,27 are rejected because it encompasses the claiming of a human being.

Examiner's Note

Examiner has cited particular columns and line numbers or figures in the references as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 23 and 24 rejected under 35 U.S.C. 102(e) as being anticipated by Hamlin (US 6,940,870).

In regards to claim 23, Hamlin discloses a vendor order server, a method of processing order messages via an ordering network from a customer ordering application comprising:

Hamlin teaches defining order message format having message data elements and message type elements, but does not specifically mention that the message is an order. Since the limitation of order does not impart any functionality, this limitation is considered to be non-functional descriptive material (see MPEP 2106(b)) and is therefore not considered to provide patentable distinction. The examiner contends that the system would work equally well with the formatting of any message.

defining an order message format having order data elements and order type elements (abstract);

defining an order response format corresponding to a response expected by the customer ordering application (FIG 4);

receiving, via the ordering network, an order message in the order message format (FIG 3),

the order message having an order data set in the order message format and an order type in the order type element (col 2, lines 60 – col 3, line 5);

parsing an order type from the order type element, the order type indicative of an ordering function performable by at least one of a plurality of order processing modules (col 4, lines 4-26);

selectively invoking, based on the parsed order type, a particular one of the plurality of order processing modules corresponding to the order type (col 4, lines 4-26),

the invoking operable to route the order data set in the received order message to the invoked order processing module (col 4, lines 4-26);

interacting with an order database coupled to the order server based on the message type (FIG 4),

the order database responsive to the order processing module for transferring data corresponding to the parsed order type (FIG 4);

processing, based on the interacting, the routed order data set by the order processing module to generate an order response message in the order response format (FIG 6); and

transmitting the order response message to the ordering application (FIG 2, item 108),

the order response format corresponding to an application database maintained by the ordering application (FIG 4),

the defined order message format and order response format accessible to the ordering application and the order server from predetermined types indicative of a predetermined format (FIG 4).

In regards to claim 24, Hamlin teaches receiving the order response message by the ordering application and processing the order response message by employing the predetermined types in an automated manner that avoids operator intervention (FIG 4).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 25-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hamlin and further in view of Official Notice.

In regards to claims 25-30, Hamlin teaches analyzing incoming messages, reformatting to in a predetermined fashion to make for improved processing by a plurality of application then reformatting for transmission back to the user, but does not specifically mention that the that the language used is markup language/XML. The examiner takes official notice that the use of XML in message translation was old and well known in the art at the time of the invention (reference MSMQ (Message Que), IBM's MQSeries, and Message Orientated Middleware (MOM)), all of which parse incoming messages in XML and provide for a standard in reformatting incoming and outgoing messages. It would have been obvious to a person having ordinary skill in the art to include in Hamlin, the use of XML as a common translatable message language, because this would add efficiency to the system by incorporating a widely used standard.

Response to Arguments

Applicant's arguments with respect to claims 23-30 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Mark Fadok** whose telephone number is **(571) 272-6755**. The examiner can normally be reached Monday thru Thursday 8:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Wynn Coggins** can be reached on **(571) 272-7159**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **receptionist** whose telephone number is **(571) 272-3600**.

Any response to this action should be mailed to:

Commissioner for Patents

P.O. Box 1450

Alexandria, Va. 22313-1450

or faxed to:

(571) 273-8300 [Official communications; including

After Final communications labeled

"Box AF"]

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(571) 273-6755 [Informal/Draft communications, labeled
"PROPOSED" or "DRAFT"]

A handwritten signature in black ink, appearing to read 'Mark Fadok', with a long horizontal flourish extending to the right.

Mark Fadok

Primary Examiner